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9 UNITED STATES BANKRUPTCY COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 In re	Bk. No. 10-32926-A-7
12 SVETLANA A. KARPUKHINA	Motion No. PPR-1
13 Debtor	CHAPTER 7
14	Hearing-
15 JOHN R. ROBERTS,	Date : August 23, 2010
16 Trustee,	Time : 9:00 AM
17	Place : U.S. Bankruptcy Court
18	501 I Street
19	Sacramento, CA
	Courtroom 28 Dept. A
	Judge: Michael S. McManus

20 U.S. BANK, N.A.'S
21 MOTION FOR RELIEF FROM AUTOMATIC STAY

22 U.S. Bank, N.A., a holder in due course, its assignees and/or successors, move
23 the Court for relief from the Automatic Stay provided by 11 U.S.C. §362. This motion seeks an
24 Order terminating the Automatic Stay of 11 U.S.C. §362 as to moving party (and the Trustee
25 under the Deed of Trust securing moving party's claim) so that moving party (and its Trustee)
26 may commence and continue all acts necessary to foreclose under the Deed of Trust secured by
27 Debtor's property.
28

1 Movant seeks relief pursuant to 11 U.S.C. §362(d)(1) for “cause” due to the
2 failure of Debtor to make required payments and pursuant to 11 U.S.C. §362(d)(2) and alleges
3 that, in accordance with the information set forth in the attached Declaration, there is no equity
4 present in the subject real property to justify the continuance of the Automatic Stay. See
5 Stewart v. Gurley 745 F 2d 1194 (9th Cir. 1984).
6

7 This Motion is being heard on 28-day notice, pursuant to LBR 9014-1 (f)(1).
8 Opposition to this motion, if any, shall be in writing and shall be served and filed with the Court
9 at least fourteen (14) calendar days preceding the date of hearing.

10 In addition, and in the event that this Court continues the Automatic Stay,
11 Movant will seek adequate protection of its secured interest pursuant to 11 U.S.C. §§ 361 and
12 362, including a requirement that Debtor reinstates all past arrearages and immediately
13 commence regular monthly payments.
14

15 Movant also seeks an Order terminating and vacating the Automatic Stay for all
16 purposes as it pertains to Movant’s interest in the subject real Property, including the
17 prosecution of appropriate foreclosure remedies, without the requirement of further notice or
18 publication, except as may be required by state law.
19

20 Movant also seeks an Order waiving the 14-day stay as provided by Bankruptcy
21 Rule 4001(a)(3).
22

23 In addition, Movant requests such further relief as is just.

24 This Motion is based on these moving papers, as well as the attached Declaration
25 and the Relief from Stay Information Sheet, filed separately and concurrently with this Motion.

26 In the event neither the Debtor, Debtor’s counsel or Trustee files a timely
27 opposition to this motion, the Court may grant relief from the Automatic Stay permitting
28

1 moving party to foreclose on the Debtor's property located at **6208 Melrose Drive, North**
2 **Highlands, California** and obtain possession of such property without conducting a hearing.

3 WHEREFORE, Movant prays judgment as follows:

4 1.) For an Order granting relief from the Automatic Stay, permitting this Movant
5 to move ahead with foreclosure proceedings under Movant's Deed of Trust.

6 2.) For such Order regarding adequate protection of Movant's interest as this
7 Court deems proper.

8 3.) For an Order waiving the 14-day stay described by Bankruptcy Rule
9 4001(a)(3).

10 4.) For such other relief as this Court deems appropriate.

11 DATED: July 7, 2010

12 PROBER & RAPHAEL
13 A LAW CORPORATION

14 /s/ CASSANDRA J. RICHEY, ESQ. #155721
15 Attorney for Secured Creditor
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